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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/025,864	<b>Applicant(s)</b> YOKOMIZO, YOSHIKAZU	
	<b>Examiner</b> Farzana E. Hossain	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,8-13 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,8-13 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to communications filed 12/21/2006. Claims 1, 8-13 are amended. Claims 2 and 3 are original. Claims 4-7 14-24 have been cancelled. Claim 25 is new.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Regarding claim 1, the phrase "the commercial provider holds the content management server" renders the claim indefinite because it is unclear. The content

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management server communicates with the commercial server (Figure 10A, Page 27, lines 1-13). The specification is also using terms interchangeably as the brief description of Figure 10A describes a content management server and the disclosure of the invention for Figure 10A describes the server as an iCP or content provider.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 8-13, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib et al (US 2005/0166257 and hereafter referred to as "Feinleib") in view of Armstrong et al (US 7,017,173 and hereafter referred to as "Armstrong").

Regarding Claim 1, Feinleib discloses an Internet DTV system having: a digital broadcast station or primary content provider or broadcast headend (Figure 1, 22(1), Page 2, paragraph 0030) that broadcasts a program by using a well-known broadcast radio wave (Page 3, paragraph 0029); a commercial server or primary content provider (Figure 1, 22(2)) provided on or data network the Internet (Page 3, paragraphs 0027-0029) that holds a content management server or Enhancing Content Server (Figure 1, 22(2)), managing or delivering second programs including animated images and advertisements (Page 2, paragraph 0023, Page 3, paragraph 0032), and a terminal

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(Figure 1, 24(1-4)), provided on an audience side, that receives a digital broadcast and accesses the Internet (Figure 1, Page 2, paragraph 0026-0029), wherein the broadcast station comprising: broadcasting means for broadcasting information described in a predetermined format specifying the program as the receiver receives broadcast data in particularized format such as MPEG data (Page 4, paragraph 0061), display of a second program to be selected by an audience (Page 3, paragraph 0033), address information indicating a location of content upon selection of the second program or hyperlink or of the content upon selection (Page 3, paragraph 0033, Page 4, paragraph 0055) and an identification of the sender of the enhancement (Page 3, paragraph 0044) or a sponsor of the program. It is well known in the art that any entity that sponsors or is affiliated with the program such as with merchandise on/related to the show or includes commercials on the show can be a sponsor. Feinleib discloses a sender of the data for merchandise, advertisements or information is affiliated with the program. Therefore, the commercial server holds sponsor commercials or advertisements (Page 2, paragraph 0023, Page 3, paragraph 0032). Feinleib discloses wherein the terminal comprising: means for receiving information from the broadcast station (Figure 1, 24(1-4)); access means for accessing the Internet (Page 4, paragraph 0061); first output means for combining the received program with the second program in accordance with received description and outputting the program to a predetermined display device (Page 5, paragraph 0068-0069, Figure 4); input means for inputting designation information from an operator (Figure 4, 122, 128, Page 2, paragraph 0015); request means for, if an input designation is related to the second program, accessing the

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content management server by the access means by using a described URL for the second program (Page 4, paragraph 0061), and issuing a request for transfer of the content (Figure 1, 22(2), Figure 3, Page 5, paragraph 0064); and second output means for outputting the content received from the content server to the display device (Page 6, paragraph 0096).

Feinleib is silent further wherein notifying information to specify the sponsor, content management server comprising: request means requesting commercial content from the commercial server; and combining means for combining the commercial content sent from the commercial server with the content requested by the terminal and transmitting the information to the terminal, further wherein the commercial server comprising: a database that holds commercial contents with the information specifying the sponsor as a key; and means for searching for a corresponding commercial content from the database based on the information specifying the sponsor requested from the content management server, information determining the combination of the sponsor or advertiser and the commercial content of the second program (Column 5, lines 41-56), and notifying the commercial content to the content management server.

Armstrong discloses an Internet DTV system comprising: a digital broadcast station that broadcasts a program (Figure 1, Figure 2), a commercial server or video server with headend controller and demographic database that holds or communicates with a content management server or content provider or advertisement manager (Column 4, lines 9-28, Column 7, lines 18-20), managing or delivering second program and sponsor commercials (Column 7, lines 26-29, Column 8, lines 36-57) and a terminal

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provide on the audience side that receives a digital broadcast and accesses the web based content (Figure 1, 140(1-N), Figure 3), the broadcast station broadcasting means for broadcasting information and address information indicating a location of content selection of the second program and a sponsor or advertiser of the program (Column 9, lines 54-58, Figure 4, Figure 5), a terminal comprises a request means for if an input designation related to a second program, accessing the content management server by the access means by using a described URL, notifying information to specify the sponsor or information including links to a scene based advertisement or advertisement from a sponsor (Column 10, lines 11-18, Column 9, lines 41-67, Figure 4, 420(b)) wherein the content management server comprises: request means requesting commercial content from the commercial server (Column 9, lines 4-26, Figure 3, Column 10, lines 11-18); and combining means for combining the commercial information sent from the commercial server with the content requested by the terminal and transmitting the information to the terminal (Figure 4, Column 9, lines 4-26, Figure 3, Column 7, lines 24-29, Column 10, lines 11-18, Column 6, lines 61-64), further wherein the commercial server comprising: a database that holds commercial contents (Column 4, lines 37-39, Column 7, lines 21-29); and means for searching for a corresponding commercial content from the database based on the information specifying the sponsor requested from the content management server (Column 5, lines 33-61, Column 4, lines 5-7), and information determining the combination of the sponsor or advertiser and the commercial content of the second program including information about a user of the terminal and the information about the scene to select a sponsor or

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advertiser for combination with commercial content (Column 5, lines 41-56), and notifying the commercial content to the content management server or video server with the headend controller communicates advertisement information to the content management server (Column 7, lines 18-3, Figure 4).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feinleib to include notifying information to specify the sponsor or information including links to a scene based advertisement or advertisement from a sponsor (Column 10, lines 11-18, Column 9, lines 41-67, Figure 4, 420(b)) wherein the content management server comprises: request means requesting commercial content from the commercial server (Column 9, lines 4-26, Figure 3, Column 10, lines 11-18); and combining means for combining the commercial information sent from the commercial server with the content requested by the terminal and transmitting the information to the terminal (Figure 4, Column 9, lines 4-26, Figure 3, Column 7, lines 24-29, Column 10, lines 11-18, Column 6, lines 61-64), further wherein the commercial server comprising: a database that holds commercial contents (Column 4, lines 37-39, Column 7, lines 21-29); and means for searching for a corresponding commercial content from the database based on the information specifying the sponsor requested from the content management server (Column 5, lines 33-61, Column 4, lines 5-7), and information determining the combination of the sponsor or advertiser and the commercial content of the second program (Column 5, lines 41-56), and notifying the commercial content to the content management server (Column 7,



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lines 18-3, Figure 4) as taught by Armstrong in order to provide updated information (Column 4, lines 63-67) as disclosed by Armstrong.

Regarding Claims 8 and 9, Feinleib discloses a terminal and a control method for a terminal having an Internet access function (Page 4, paragraph 0061) provided on the audience side (Figure 1, 24(1-4) for receiving a digital broadcast (Figure 1, 24(1-4), Page 4, paragraph 0061) and outputting the program to a predetermined display device (Page 5, paragraph 0068-0069, Figure 4); comprising: receiving means for receiving information from the broadcast station (Figure 1, 24(1-4) first output means for combining the received program with the second program in accordance with received description; access means for accessing the Internet (Page 4, paragraph 0061); first output means for combining a received program with the second program in accordance with received description and outputting the program to a predetermined display device (Page 5, paragraph 0068-0069, Figure 4); input means for inputting designation information from an operator (Figure 4, 122, 128, Page 2, paragraph 0015); request means for, if an input designation is related to the second program, accessing the content management server by the access means by using a described URL for the second program (Page 4, paragraph 0061), and issuing a request for transfer of a content of the second program and a commercial content (Figure 1, 22(2), Figure 3, Page 5, paragraph 0064); and second output means for outputting the content received from the content management server to the display device (Page 6, paragraph 0096). Feinleib is silent on notifying information to specify a sponsor and wherein the commercial content is determined based on information specifying the sponsor and

information determining a combination of the sponsor and the commercial content of the second program. Armstrong discloses a terminal provide on the audience side that receives a digital broadcast and accesses the web based content (Figure 1, 140(1-N), Figure 3), the broadcast station broadcasting means for broadcasting information and address information indicating a location of content selection of the second program and a sponsor or advertiser of the program (Column 9, lines 54-58, Figure 4, Figure 5), a terminal comprises a request means for if an input designation related to a second program, accessing the content management server by the access means by using a described URL, notifying information to specify the sponsor or information including links to a scene based advertisement or advertisement from a sponsor (Column 10, lines 11-18, Column 9, lines 41-67, Figure 4, 420(b)), that the commercial content is determined based on information specify the sponsor or the advertiser and information determining a combination of the sponsor or advertiser and the commercial content of the second program (Column 5, lines 41-56, Figure 4).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feinleib to include notifying information to specify the sponsor or information including links to a scene based advertisement or advertisement from a sponsor (Column 10, lines 11-18, Column 9, lines 41-67, Figure 4, 420(b)), that the commercial content is determined based on information specify the sponsor or the advertiser and information determining a combination of the sponsor or advertiser and the commercial content of the second program (Column 5, lines 41-56, Figure 4) as

taught by Armstrong in order to provide updated information (Column 4, lines 63-67) as disclosed by Armstrong.

Regarding Claim 10, Feinleib discloses a storage medium or computer or set top box (Page 4, paragraph 0059) on which a computer executable program that functions (Page 4, paragraph 0060, 0061, Page 5, paragraphs 0063-0065) as a terminal having an Internet access function (Page 4, paragraph 0061) provided on the audience side (Figure 1, 24(1-4) for receiving a digital broadcast (Figure 1, 24(1-4), Page 4, paragraph 0061) and outputting the program to a predetermined display device (Page 5, paragraph 0068-0069, Figure 4); wherein the program comprises computer code or software (Page 4, paragraph 0060, 0061, Page 5, paragraphs 0063-0065) of process for the disclosed in the above rejections of Claims 8 and 9.

Regarding Claims 11 and 12, Feinleib discloses a content management server or Enhancing Content Server and a control method for a content management server (Figure 1, 22(2)) for transferring a content in response to a request from a terminal having an Internet access function (Page 3, paragraph 0037, Page 5, paragraph 0068, Page 4, paragraph 0061), provided on the audience side for receive a digital broadcasting and outputting a video signal to a predetermined display device (Figure 1, Page 2, paragraph 0026-0029, Page 5, paragraph 0068-0069, Figure 4), comprising a content database that holds and manages contents (Page 3, paragraph 0035, Page 2, paragraph 0030-0031); first reception means for receiving information specifying the content (Figure 3, , Figure 5). It is well known in the art that any entity that sponsors or is affiliated with the program such as with merchandise on/related to the show or

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includes commercials or advertisements on the show can be a sponsor. Feinleib discloses a sender of the data for merchandise, advertisements or information is affiliated with the program. Feinleib discloses a reception means to transfer the commercial content from the secondary content server provided on the Internet and transmission means for extracting the content request from the terminal, from the database combining the content and transmitting the content to the terminal (Figure 5, Figure 3). Feinleib is silent on information specifying a sponsor or advertiser from the terminal; second reception means for, based on the information specifying the sponsor or sender received by the first reception means, requesting transfer of commercial content corresponding to the sponsor from a predetermined commercial server, and receiving the commercial content; and transmission means for extracting the content requested from the terminal, from the database, combining the content with the commercial content received by the second reception means, and transmitting the content to the terminal. Armstrong discloses a commercial server or advertisement manager that holds a content management server or computing device (Column 4, lines 9-28, Column 7, lines 18-20), wherein the content management server comprises: information specifying content and information specify a sponsor (Column 4, lines 9-28, Figure 4, Column 7, lines 18-20, Column 4, lines 9-28) and second reception means for, based on the information specifying the sponsor or sender received by the first reception means, and information determining a combination of the sponsor or advertiser and a commercial content of a second program (Column 5, lines 7-25, Figure 4), requesting transfer of commercial content corresponding to the sponsor from a

predetermined commercial server provided on the Internet (Column 7, lines 18-25, Column 4, lines 62-67, Column 5, lines 33-61, Column 9, lines 52-67), and receiving the commercial content (Column 4, lines 62-67); and transmission means for extracting the content requested from the terminal, from the database, combining the content with the commercial content received by the second reception means, and transmitting the content to the terminal (Figure 3, Figure 4).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feinleib to include information specifying content and information specify a sponsor (Column 4, lines 9-28, Figure 4, Column 7, lines 18-20, Column 4, lines 9-28) and second reception means for, based on the information specifying the sponsor or sender received by the first reception means, and information determining a combination of the sponsor or advertiser and a commercial content of a second program (Column 5, lines 7-25, Figure 4), requesting transfer of commercial content corresponding to the sponsor from a predetermined commercial server provided on the Internet (Column 7, lines 18-25, Column 4, lines 62-67, Column 5, lines 33-61, Column 9, lines 52-67), and receiving the commercial content (Column 4, lines 62-67); and transmission means for extracting the content requested from the terminal, from the database, combining the content with the commercial content received by the second reception means, and transmitting the content to the terminal (Figure 3, Figure 44) as taught by Armstrong in order to provide updated information (Column 4, lines 63-67) as disclosed by Armstrong.

Regarding Claim 13, Feinleib discloses a computer readable storage medium or personal computers or workstations on which is stored a computer executable program (Page 3, paragraph 0035, Page 2, paragraph 0030) for a content management server (Figure 1, 22(2)) for transferring a content in response to a request from a terminal having an Internet access function (Page 3, paragraph 0037, Page 5, paragraph 0068, Page 4, paragraph 0061), provided on the audience side for receive a digital broadcasting and outputting a video signal to a predetermined display device (Figure 1, Page 2, paragraph 0026-0029, Page 5, paragraph 0068-0069, Figure 4) wherein the program comprises computer code or software (Page 2, paragraph 0030) of process for the disclosed in the above rejections of Claims 11 and 12.

Regarding Claim 3, Feinleib and Armstrong disclose all the limitations of Claim 1. Feinleib discloses that the terminal has a form of set top box connected to a television receiver owned by the audience (Page 4, paragraph 0059).

Regarding Claim 25, Feinleib disclose a display device comprising: receiving means for receiving first and second programs, display means for display the first and second programs in parallel (Pages 2-3, paragraph 0031-0035). Feinleib discloses display control means for displaying a commercial content of the second program (Figure 2, 52). It is well known in the art that any entity that sponsors or is affiliated with the program such as with merchandise on/related to the show or includes commercials on the show can be a sponsor. Feinleib discloses a sender of the data for merchandise, advertisements or information is affiliated with the program. Feinleib is silent on display commercial content of the second program is determined based on information

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specifying a sponsor of the first program and information designating a combination of the sponsor or advertiser and a commercial content of the second program. Armstrong discloses that the commercial content is determined based on information specify the sponsor or the advertiser and information determining a combination of the sponsor or advertiser and the commercial content of the second program (Column 5, lines 41-56, Figure 4, Column 10, lines 11-18, Column 9, lines 41-67, Figure 4, 420(b)). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Feinleib to include that the commercial content is determined based on information specify the sponsor or the advertiser and information determining a combination of the sponsor or advertiser and the commercial content of the second program (Column 5, lines 41-56, Figure 4, Column 10, lines 11-18, Column 9, lines 41-67, Figure 4, 420(b)) as taught by Armstrong in order to provide updated information (Column 4, lines 63-67) as disclosed by Armstrong.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feinleib in view of Armstrong as applied to claim 1 above, and further in view of Rajan (WO 00/01154).

Regarding Claim 2, Feinleib and Armstrong disclose all the limitations of Claim 1. Feinleib discloses receiving a digital broadcast and receiving MPEG2 data (Page 4, paragraph 0061). Feinleib and Armstrong are silent on the terminal further comprises: an MPEG2 decoder for a digital broadcast; means for interpreting a BIFS description as a scene description; and means for decoding MPEG4 data from the content

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management server. Rajan discloses a terminal with a MPEG2 decoder for a digital broadcast (Page 12, lines 1-12, Page 4, lines 3-7, Figure 1, 133, 122); means for interpreting a BIFS description as a scene description (Figure 1, 122, Page 10, lines 9-30, Page 11, lines 1-31); and means for decoding MPEG4 data (Figure 1, 122-133, Page 19, lines 3-9) from the content management server or server (Page 10, lines 9-19). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a terminal with a MPEG2 decoder for a digital broadcast (Page 12, lines 1-12, Page 4, lines 3-7, Figure 1, 133, 122); means for interpreting a BIFS description as a scene description (Figure 1, 122, Page 10, lines 9-30, Page 11, lines 1-31); and means for decoding MPEG4 data (Figure 1, 122-133, Page 19, lines 3-9) from the content management server or server (Page 10, lines 9-19) as taught by Rajan in order to present multimedia program using MPEG-4 standard which allows easier manipulation (Page 1, lines 7-15, Page 2, lines 12-22) as disclosed by Rajan.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
February 2, 2007

  
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